

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 2, 2006. At the time of the Office Action, Claims 1-42 were pending in this Application. Claims 1-4, 9, 11-20, 34 and 36-42 were rejected. Claims 5-8, 10 and 35 stand objected to as being dependent upon a rejected base claim.

Applicants withdraw Claims 21-33 due to an election/restriction requirement and cancel Claim 3 without prejudice or disclaimer. Applicants provide remarks regarding Claims 1, 17 and 34 to further distinguish various features of Applicants' invention in comparison to the cited prior art. Applicants respectfully request reconsideration and favorable action in this case.

Allowable Subject Matter

Claims 5-8, 10 and 35 were objected to as being dependent upon a rejected base claim. Applicants have amended Claims 5, 6, 10 and 35 to no longer depend upon a rejected base claim and submit that these Claims are now in allowable form. Claims 5 and 35 were amended to include all of the limitations of base Claims 1 and 34, respectively. Claims 6 and 10 were amended to include some of the limitations of their base claims. Claims 7 and 8 are dependent on Claim 6. For these reasons, Applicants respectfully submit Claims 5-8, 10 and 35 are allowable in their current form.

Rejections under 35 U.S.C. § 112

Claim 3 was rejected by the Examiner under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement and further under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants cancel Claim 3 without prejudice or disclaimer.

Rejections under 35 U.S.C. § 102

Claims 1-4, 9, 12-20, 34 and 37-42 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated U.S. Patent 2,538,529 issued to Thomas R. Komline ("Komline"), which discloses a centrifuge (10) with controlled discharge of dense materials.

Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the art cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

While both the Claimed invention and Komline teach simultaneous valving control of multiple hoppers, this is only a functional similarity. The Claimed invention teaches an improved method and apparatus which provides simultaneous valving for a plurality of such openings and eliminates many of the parts and elements required to practice the teachings of Komline. For instance, Komline teaches multiple rotating valves (37), each operating on a separate and independent axis of rotation. Each of the valve bodies (37) must be driven by an independent linkage including many parts (e.g., 31, 34, 35, 39, 40, and 44). Those linkages must be connected by yet another mechanical device:

The valve members 36 are connected for simultaneous rotary or oscillatory actuation by means of interposed shaft or rod elements 39, each at least partially of non-circular cross-section (Fig. 4) for a purpose to be described. In the embodiment illustrated in Fig. 1 a torsion spring 40 surrounds each rod member 39. One end of the spring is secured as at 41 to the valve member 36, the opposite end of said spring being secured as at 42 to the adjacent drum casing or discharge flange 38.

Komline, col. 6, lines 47-57, and:

Each circumferentially disposed rotary valve member 36 of a drum section is provided at its outer end with a gear or pinion 44 having meshing engagement with its corresponding shaft pinion 35 for rotative control of the valves under desired operating conditions to be described.

Komline, col. 6, line 72- col. 7, line 2.

These interconnected moving parts used to control valving are mounted on the peripheral surface of the centrifuge bowl and rotate with the bowl. The weight of the parts

require additional energy for rotation as well as increasing aerodynamic drag. In addition, the parts are subjected to centrifugal stress as they rotate.

The current invention as claimed, on the other hand, teaches a single valve ring as the valve element. This single member valve ring intrinsically synchronizes the opening and closing of multiple orifices when the ring rotates relative to the centrifuge bowl.

Claims 1 and 17 recite:

a valve ring forming a part of the fluid separation wall, the valve ring including at least one valve orifice formed in the valve ring;

Claim 34 recites:

a valve ring having at least one orifice and formed over the opening, the valve ring operable to slide along the outer surface of the wall such that the at least one orifice aligns with the opening.

Komline fails to disclose “a valve ring,” and, more specifically, “a valve ring forming a part of the fluid separation wall,” and, therefore, cannot anticipate each element of Claims 1, 17 and 34.

Given that Claims 2, 4, 9, and 12-16 depend from Claim 1 and Claims 18-20 and 34 depend from Claim 17 and Claims 38-42 depend from Claim 37, Applicants respectfully submit that Claims 2, 4, 9, 12-16, 18-20, 34 and 38-42 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 1-4, 9, 12-20, 34 and 37-42.

Rejections under 35 U.S.C. §103

Claims 11 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Komline as discussed above but fails to disclose a pressure sensor connected to the separation wall. Applicants respectfully traverse and submit the cited art, does not render the claimed embodiment of the invention obvious. In either case, Claims 11 and 36 depend from Claim 1 and Claim 34, respectively. As Applicants have argued above, Claims 1 and 34 are now in condition to be allowed, so Claims 11 and 36 depend from allowable claims and are, therefore, allowable in their current condition.

Information Disclosure Statement

Applicants would like to bring to the Examiner's attention that the Examiner made no indication that Reference "T" submitted with Information Disclosure Statement and PTO Form 1449 filed on February 28, 2005 and Reference "R" submitted with Information Disclosure Statement and PTO Form 1449 filed on November 18, 2005 had been considered in the Office Action mailed October 2, 2006. Applicants respectfully request confirmation of the consideration of References "T" and "R". Applicants attach a copy of the PTO Form 1449 that was attached to the Office Action mailed October 2, 2006 and respectfully request that the Examiner place his initials next to References "T" and "R" if citation is to be considered or draw a line through the citation if the citation is not to be considered.

Petition For Extension Of Time

Applicants respectfully submit herewith a Petition for Two-Month Extension of Time Request. Applicant authorizes the Commissioner to charge the amount of \$225.00 for the required filing fee to Deposit Account No. 50-2148 of Baker Botts L.L.P.

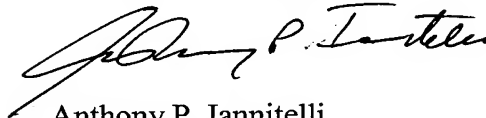
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims. Claims 5, 6-8, 10 and 35 were objected to as being dependent upon a rejected base claim and have been amended to no longer so depend. Applicants respectfully submit these Claims, along with those distinguished from the cited references above are in allowable form and request notice to that effect.

Applicants authorize the Commissioner to charge \$120.00 for the two-month Request for Extension to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2642.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Anthony P. Iannitelli
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Date: 22 Feb 2007

SEND CORRESPONDENCE TO:

BAKER BOTTS L.L.P.

CUSTOMER NO. **31625**

512.322.2599

512.322.8383 (fax)

Enclosures: 1) PTO Form 1449 from Office Action mailed October 2, 2006
2. Petition for Two Month Extension of Time